IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Con.Case(C).No. 199 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.6091/2006 Dated 27/06/2006

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PETITIONER/PETITIONER

TREESA @ ROSAMMA, AGED 50 YEARS,
W/O.JOSEPH, RESIDING AT PADANILAM HOUSE,
EDAKOCHI, KOCHI TALUK, ERNAKULAM.

BY ADV. SRI.ANIL S.RAJ
SMT.MANJUSHA MOHANDAS
SMT.ANILA PETER

RESPONDENT: 1ST RESPONDENT

SRI.V.RAJU, AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER, SECRETARY,THE
CORPORATION OF COCHIN, PARAK AVENUE ROAD,
ERNAKULAM, COCHIN- 682 011.

BY ADV. SRI.S.RAMESH BABU, SC, COCHIN CORPN.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Learned counsel for the petitioner submits that the judgment has been complied with and nothing survives in this matter. Hence the contempt case is closed.

11.06.2007. sd/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

/TRUE COPY/

kkb.

THOTTATHIL B. RADHAKRISHNAN, J.

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Con.Case(C).No.199 OF 2007-S

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Dated this the 27th day of February, 2007.

O R D E R

The stand taken by the respondent is that the interim award directs respondents 1 and 2 to pay 50% of the amount covered by that award and that the Corporation has deposited 50% of the 50% and the balance 50% has to be paid by the driver. This argument is plainly unreasonable and untenable since Ext.P1 does not provide any such term that the Corporation will pay only 50% of 50%. Not only that, under Section 140 of the Motor Vehicles Act, 1988, the liability to pay the interim award on no-fault liability is on the owner of the vehicle. Therefore, to avoid further action under the Contempt of Courts Act, the respondent will remit the remaining portion and report within three weeks.

Post after three weeks.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-